

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

R & R CAPITAL, LLC : CIVIL ACTION
v. :
LYN MERRITT, et al. : NO. 06-1554

ORDER

AND NOW, this 17th day of April, 2009, following a bench trial held before the Court on October 25 and 26, 2006, IT IS HEREBY ORDERED, for the reasons set forth in a Memorandum of today's date, that:

1. The Court finds for plaintiff R&R Capital, LLC ("R&R") against defendant Lyn Merritt ("Merritt") on R&R's claim for rescission of its purchase of the horse "by Pulpit, out of Lipstick" ("Lipstick/Pulpit") and enters a conditional verdict in R&R's favor for the purchase price of \$150,000.00, conditioned upon R&R's surrendering ownership of the horse to Merritt. R&R shall tender its ownership of Lipstick/Pulpit to Merritt within 30 days of this Order and shall file proof of its tender with this Court. Upon R&R's filing of proof of tender, Merritt shall be liable to R&R in the amount of \$150,000.00.

2. The Court finds for defendant Merritt against plaintiff R&R on Merritt's counterclaim for unpaid expenses for the horses "by Mr. Greeley, out of Splashing Wave" ("Splashing Wave"), and "by Belong To Me, out of Mambo-Jambo" ("Mambo-Jambo") in the amount of \$28,432.76. The Court will not enter a verdict

on this claim at this time, pending the resolution of R&R's Motion for Contempt (Docket No. 37) and Supplemental Motion for Contempt (Docket No. 42).

3. The Court finds for plaintiff R&R against defendant Merritt on R&R's claim for replevin of the horses "by Mr. Greeley, out of Splashing Wave" ("Splashing Wave") and "by Belong To Me, out of Mambo-Jambo" ("Mambo-Jambo"). The Court finds that Merritt has a valid possessory lien on Splashing Wave and Mambo-Jambo in the amount of her counterclaim for \$28,432.76. The Court finds that R&R would be entitled to a conditional verdict in its favor, awarding it possession of the two horses, conditioned on its satisfaction of Merritt's counterclaim. The Court will not enter a verdict on this claim at this time, pending the resolution of R&R's Motion for Contempt (Docket No. 37) and Supplemental Motion for Contempt (Docket No. 42).

BY THE COURT:

/s/ Mary A. McLaughlin
MARY A. McLAUGHLIN, J.